



08 DEC 2008

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In re Application of
DeFrees et al.
Application No.: 10/576,506
PCT No.: PCT/US2004/041070
Int. Filing Date: 03 December 2004
Priority Date: 03 December 2003
Attorney Docket No.: 40853-5144US1
For: Glycopegylated Factor IX

DECISION

This is in response to applicants' correspondence filed on 15 October 2008.

BACKGROUND

International application PCT/US2004/041070 was filed on 03 December 2004, claimed an earliest priority date of 03 December 2003, and designated the United States. The 30 month time period for payment of the basic national fee in the United States expired as of midnight on 03 June 2006. A basic national fee was paid in 10/576,506 on 18 April 2006.

On 03 September 2008, a Notice of Acceptance (Form PCT/DO/EO/903) and a Filing Receipt were mailed to applicants; both documents referred to "PCT/US04/14070" rather than PCT/US2004/041070.

DISCUSSION

Counsel "respectfully requests that the priority application listed in the PAIR system for the above-identified application be corrected to read as follows: PCT/US04/14070 filed December 3, 2004." Counsel also "requests that a corrected filing receipt, reflecting the true and correct priority date of December 3, 2004 for PCT Application No. PCT/US04/41070, be issued by the Patent Office."

Review of the record reveals that the Transmittal Letter, preliminary amendment, IDS and ADS filed on 18 April 2008 all identified this application as the national stage under 35 U.S.C. 371 of PCT/US2004/041070, rather than PCT/US04/14070 as indicated on the Notice of Acceptance and on the Filing Receipt. The bibliographic information pertaining to PCT/US2004/041070 matches that appearing on the papers filed on 18 April 2006. Therefore, both the Notice of Acceptance and the Filing Receipt mailed on 03 September 2008 were defective, and both are hereby VACATED.

DECISION

The request is GRANTED, to the extent noted.

This application is being returned to the Office of Patent Application Processing for correction of the electronic records of the USPTO to show its correct status as the national stage of PCT/US2004/041070. A new Notice of Acceptance (Form PCT/DO/EO/903) and a new Filing Receipt showing the correct PCT information will also be prepared and mailed to applicants.

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